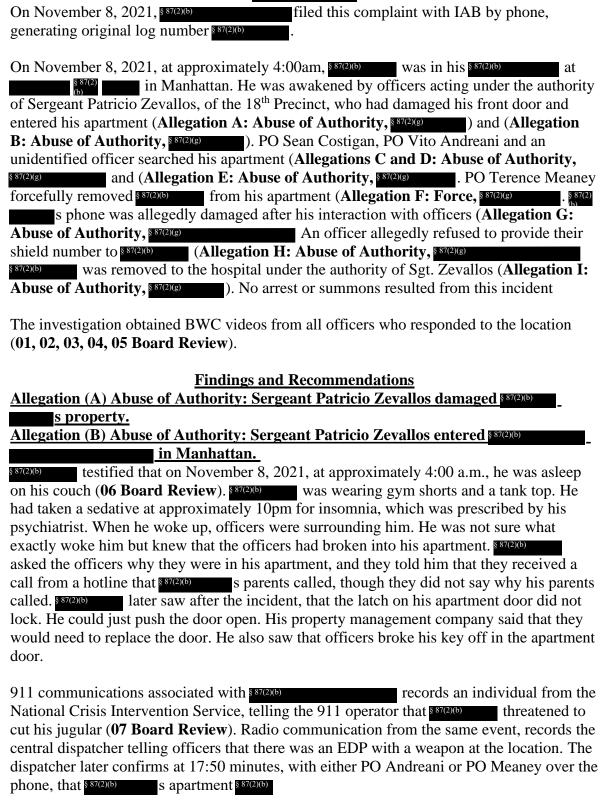
CCRB INVESTIGATIVE RECOMMENDATION

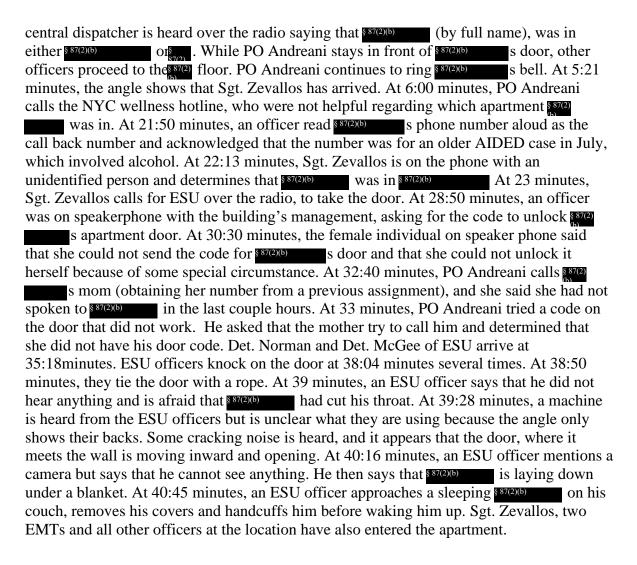
Investigator:		Team:	CCRB Case #:	V	Force		Discourt.		U.S.
Tileyah Williams		Squad #3	202107012	☑	Abuse		O.L.		Injury
Incident Date(s)		Location of Incident:		I	Precinct:	18	Mo. SOL	Е	O SOL
Monday, 11/08/2021 4:00 AM		§ 87(2)(b)			18	5	5/8/2023	5.	/8/2023
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	Rec	eived at CCI	RВ	
Mon, 11/08/2021 7:12 AM		IAB	Phone		Wed, 11/1	7/202	21 10:52 AN	Л	
Complainant/Victim	Type	Home Addre	ess						
Subject Officer(s)	Shield	TaxID	Command						
1. PO Vito Andreani	21904	967752	MTN PCT						
2. PO Sean Costigan	30438	932494	MTN PCT						
3. SGT Patricio Zevallos	02774	947632	MTN PCT						
4. PO Terence Meaney	21585	968634	MTN PCT						
5. An Officer			MTN PCT						
6. Officers			MTN PCT						
Witness Officer(s)	Shield N	o Tax No	Cmd Name						
1. PO Vincent Bianco	12398	957383	MTN PCT						
2. PO Japindervir Kaurdhanoa	14924	971501	MTN PCT						
3. PO Kyle Schneyer	09827	962090	MTN PCT						
4. PO Frank Franco	05832	970528	MTN PCT						
5. PO Dwayne Reyes	11744	968735	MTN PCT						
6. DTS Robert Mcgee	01498	933983	ESS 01						
7. DTS Ryan Norman	07708	934029	ESS 01						
Officer(s)	Allegati	o n			Inve	estiga	ntor Recon	ımeı	ndation
A.SGT Patricio Zevallos	Abuse: S	Sergeant Patricio Zevallo	os damaged ^{§ 87(2)(b)}		s				
	property								
B.SGT Patricio Zevallos	Abuse: S	Sergeant Patricio Zevallo	os entered in Manha	tton					
C PO Saan Castigan		Police Officer Scop Cost		нап					
C.PO Sean Costigan	Aduse: F § 87(2)(b)	Police Officer Sean Cost	in Manha	ttan					
D.PO Vito Andreani		Police Officer Vito Andr							
	§ 87(2)(b)		in Manha	ttan					
E. An Officer	Abuse: A § 87(2)(b)	An officer searched	in Manha	ttan					
F.PO Terence Meaney	Force: Ir	side § 87(2)(b)	in Manhattan, Pol						
		Terence Meaney used ph)(b)				
G 000		\$ 97/2)/6)		~					
G. Officers	Abuse: I	nside ^{§ 87(2)(b)} § 87(2)(b) s prope	in Manhattan, of	tice	rs				
H. An Officer		Outside of § 87(2)(6)	in Manhatta	n. at	n =				
	officer re	efused to provide his shi							

Officer(s)	Allegation	Investigator Recommendation
I.SGT Patricio Zevallos	Abuse: Sergeant Patricio Zevallos forcibly removed to the hospital.	

Case Summary



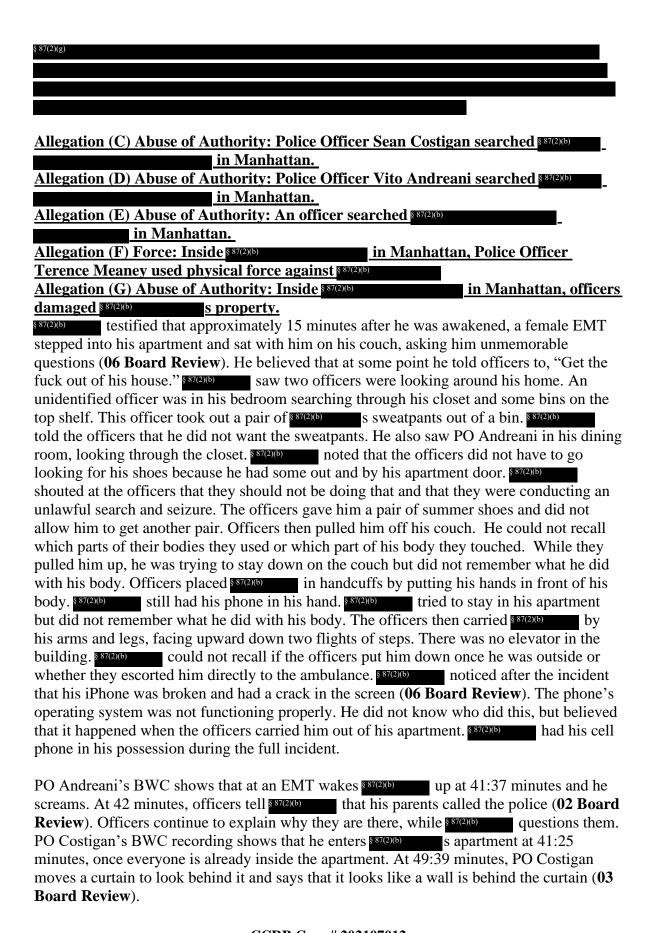
PO Andreani's BWC shows that at 2:24 minutes, he arrives at [887(2)(6)] s door with PO Meaney, and they knock on his door (**02 Board Review**). While they are knocking, the

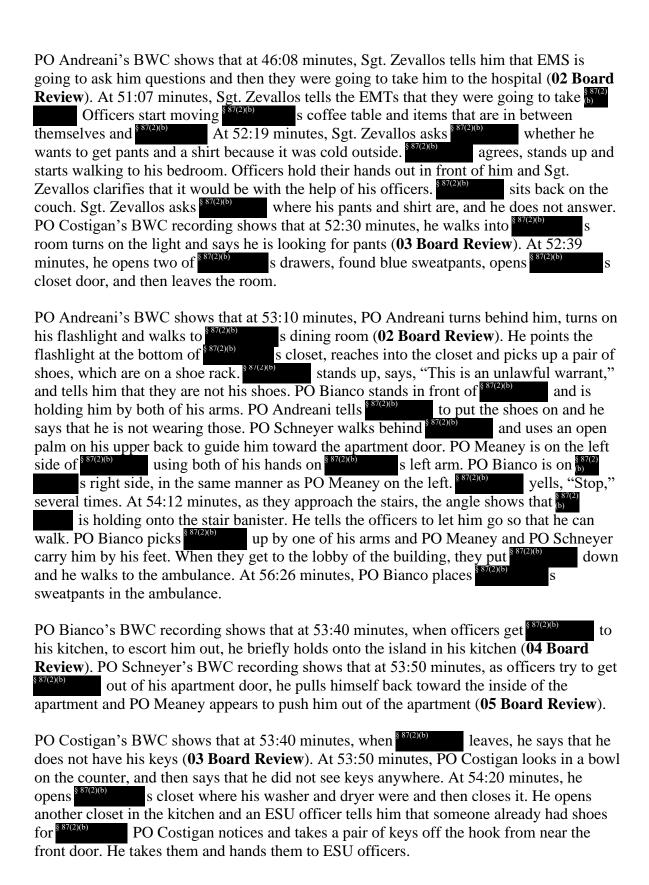


PO Costigan, PO Meaney and PO Andreani all testified that they entered satisfies a partment because they received a call that he was harming himself (**08**, **09**, **10 Board Review**). Sgt. Zevallos had to use ESU officers to force entry because they could not gain access to satisfies a partment.

Officers may enter a premise without a warrant if they have reasonable grounds to believe that there is an emergency at hand, and that the premise to be entered is associated with the emergency. Where a citizen informant reports that a suicidal person is within a premise, the emergency exception to the search warrant requirement will apply. People v. Ormanian, 55 Misc. 3d 566 (2016) (11 Board Review). Officers are permitted to reasonably use force to enter a premise to carry out their official duties Onderdonk v. State, 170 Misc. 2d 155 (12 Board Review).

Officers received a call, informing them that was threatening to harm himself. When they arrived, they tried knocking on his door, calling him, calling his mother, and tried to obtain his access code to open his door. After approximately 20 minutes of trying to contact Strick Sgt. Zevallos determined that the only way that they could ensure that was okay, was by forcing entry.





PO Meaney testified that when they woke \$87(2)(b) up, Sgt. Zevallos told him that they could not just leave him and that he had to go see the doctor (09 Board Review). EMTs also told him this. Officers gave \$87(2)(b) several chances to voluntarily go to the hospital but he was augmentative and not complying with their orders. They could not leave [87(2)] s apartment because he could have harmed himself once the officers left. He did not see any officers search \$87(2)(6) s apartment. PO Meaney, PO Bianco and PO Schneyer grabbed \$87(2)(b) by the arm, and this was a collective decision. They decided to physically remove \$87(2)(b) because they had been there for a long time. \$87(2)(b) started pulling his arm away from PO Meaney. PO Meaney pushed \$87(2)(b) toward the apartment door by his arm. As they passed through the kitchen with \$87(2)(b) he started holding onto the counter. As they got to the stairs, \$87(2)(b) became dead weight, dragged his feet, and yelled why the officers were doing that. Officers then picked \$87(2)(b) and carried him down the stairs. PO Meaney did not damage \$87(2)(b) s phone and did not see any other officer do so. PO Meaney did not hear \$87(2)(b) request his or another officer's shield number and he did not believe that he refused to offer his.

PO Costigan testified that when he entered the apartment, he looked behind a shade in the kitchen because he wanted to make sure that there was nothing that could be grabbed in that area which could hurt officers (08 Board Review). When asked if there was any indication that there were weapons, PO Costigan said that it was a kitchen and that anything in there could be used as a weapon and that he did this as a safety precaution. At some point, PO Costigan heard Sgt. Zevallos ask \$87(2)(b) whether he wanted clothes because it was cold outside. §87(2)(6) was barefoot and had on underwear. PO Costigan was the closest to the bedroom, so he walked into §87(2)(b) s bedroom and got him a pair of sweatpants from his drawer. PO Costigan did not believe that \$87(2)(b) asked him to get the pants. He opened the closet in \$87(2)(b) s closet to look for a sweater or jacket. He never found one. PO Costigan gave the pants to Sgt. Zevallos or another officer, who took them to § 87(2)(b) was not permitted to get his own clothes for safety reasons. Officers did not know whether he had any weapons in his bedroom drawers. §87(2)(6) could use the weapon on himself or on officers, though there was no indication that he had weapons. When PO Costigan came from the bedroom, he saw that officers were attempting out of his apartment and that he was kicking his legs against the wall and trying to prevent himself from leaving the apartment.

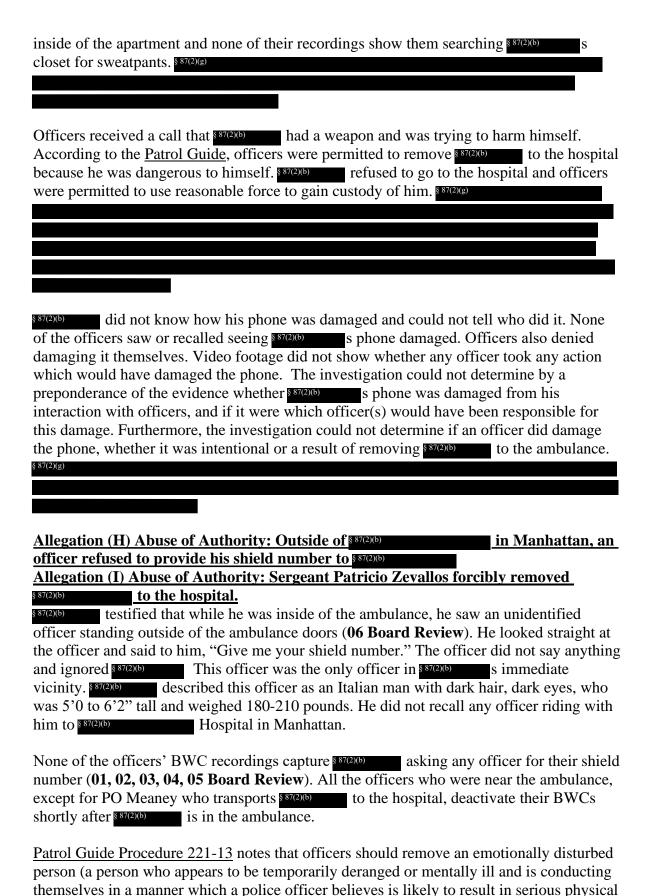
After \$\frac{87(2)(6)}{87(2)(6)}\$ left the apartment, PO Costigan looked in a bowl that was in the kitchen on a counter for \$\frac{87(2)(6)}{87(2)(6)}\$ s keys and then found the keys hanging on a hook by the door. He gave the keys to ESU officers who secured the door. He looked in \$\frac{87(2)(6)}{87(2)(6)}\$ s dining room closet for shoes because someone mentioned that \$\frac{87(2)(6)}{87(2)(6)}\$ needed shoes. He did not remember seeing any other officers looking around for things in \$\frac{87(2)(6)}{87(2)(6)}\$ s apartment. PO Costigan looked for clothing for \$\frac{87(2)(6)}{87(2)(6)}\$ in the basket in the kitchen. PO Costigan looked for \$\frac{87(2)(6)}{87(2)(6)}\$ s keys and shoes in the closet with the washing machine and dryer and opened the other closet looking for \$\frac{87(2)(6)}{87(2)(6)}\$ s shoes. He did not remember seeing \$\frac{87(2)(6)}{87(2)(6)}\$ s iPhone cracked and did not remember seeing officers doing anything which would have caused this damage. He did not hear \$\frac{87(2)(6)}{87(2)(6)}\$ asking him or any other officer asking for their shield numbers.

PO Andreani testified that \$87(2)(b) agreed to grab some of his clothes when Sgt. Zevallos offered him the opportunity (10 Board Review). PO Andreani saw \$87(2)(6) shoes in the doorway of an open closet and got them for him. He noted that the shoes were barely in the closet. He got the shoes because it was cold outside. When asked why story was not able to get his own shoes (15:20 minutes), PO Andreani said that he did not have an answer for that. He added that individuals were not usually allowed to collect their own clothing and shoes when officers respond for an emotionally disturbed person that needs to be removed to the hospital (13 Board Review). He said that if the individual was leaving voluntarily, they would be allowed to leave; however, if they are not voluntary, officers would get clothing for them which was the case with \$87(2)(6) have run away, he could have gone to the kitchen to grab something, or he could have had something in his vicinity or on his person. PO Andreani believed that since the assignment moted that would cut himself, he would have needed to have a weapon to do so. PO Andreani said that there was no indication that would have gotten a weapon, and he was handcuffed but PO Andreani was not sure what he would have done. PO Andreani did not recall seeing officers look around [87(2)(b) s apartment for clothing (10 s phone. He did not Board Review). He did not see officers do anything to \$87(2)(0) recall seeing the phone with a cracked screen and he did not crack his phone screen. He did not recall ssreet asking him or other officers for their shield numbers. He did not refuse to provide his shield number and did not hear other officers do so.

Officers may not search an individual's home without a warrant People v. Cruz, 2017 NYLJ Lexis 973 (2017) (14 Board Review). There are a few exceptions to this rule, including voluntary consent, the plain-view doctrine, and exigent circumstances. Officers should remove an emotionally disturbed person (a person who appears to be temporarily deranged or mentally ill and is conducting themselves in a manner which a police officer believes is likely to result in serious physical injury to themselves or others) to the hospital in an ambulance, Patrol Guide Procedure 221-13 (15 Board Review). PG 221-13 further notes that an emotionally disturbed person may be restrained with equipment such as handcuffs, if they are violent, resisting or when advised to do so by a physician examiner. Members of the service will use only the reasonable force necessary to gain control or custody of a subject.

§ 87(2)(b)
BWC video showed that agreed to be dressed prior to leaving the apartment. While it may not be officers' procedure to allow civilians (who are considered emotionally disturbed) to gather their own belongings, officers did not receive consent from street to search his home for his clothes and shoes.

testified that he saw an officer looking in his bedroom closet and getting his sweatpants. The footage showed that PO Costigan got his sweatpants from his dresser. Additionally, at that point, strong was sitting on his couch and not in a position to see what was going on in his bedroom. Lastly, all officers had their BWCs activated while



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injury to themselves of others) to the hospital in an amoulance (15 Board Review).	
None of the officers' recording capture asking an officer for their shield number. Officers also deactivated their BWCs after was placed in the ambulance. \$87(0)00000000000000000000000000000000000	
As mentioned earlier, officers received a call that was threatening to harm himself with a weapon. §87(2)(2)	
• This is the first CCRB complaint to which Review).	
 PO Andreani has been a member of service for three years and this is the first CCRI 	В
complaint to which he has been a subject.	
PO Costigan has been a member of service for 19 years and this is the first CCRB	
complaint to which he has been a subject. [887(2)@	
• PO Meaney has been a member of service for two years and this is the first complain to which he has been a subject. [587(2)(9)]	nt
• Sgt. Zevallos has been a member of service for 14 years and has been a subject in for other CCRB complaints and five other allegations, none of which were substantiate	
Mediation Civil and Criminal Histories	
 Mediation, Civil, and Criminal Histories Due to the Agency's mediation moratorium, cases were not being sent to mediation 	at
the time that this complaint was filed.	
• As of July 7, 2022, the New York City Office of the Comptroller has no record of a	
Notice of Claim being filed regarding this incident (17 Board Review). • \$87(2)(6)	
Squad: 3	
Investigator:Tileyah Williams	
Signature Print Title & Name Da	te
Squad Lander: Delande Vesquez IM Delande Vesquez 1/4/2022	
Squad Leader: Rolando Vasquez IM Rolando Vasquez 1/4/2023 Signature Print Title & Name Da	te